

UNITED STATES DISTRICT COURT

# DISTRICT OF NEVADA

ERIC ORDUNA,

Case No. 3:20-cv-00641-MMD-CLB

v

**Petitioner,**

## ORDER

TIM GARRETT, *et al.*

## Respondents.

*Pro se* Petitioner Eric Orduna, a Nevada state prisoner, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1-1.) Currently before the Court are Orduna's applications to Proceed *In Forma Pauperis* ("IFP Application(s)") (ECF Nos. 4, 7).

A \$5.00 filing fee is required to initiate a habeas action in a federal district court. See 28 U.S.C. § 1914(a); see also Judicial Conference Schedule of Fees. But the Court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates indigency. See 28 U.S.C. § 1915; LSR 1-1, 1-2. The IFP Application must be submitted on the form provided by the Court, include specific financial information, and a declaration confirming under the penalty of perjury that the financial information is true. See *id.*

Although Orduna submitted the required form, the supporting documents show he is able to pay the \$5 filing fee. Thus, he does not qualify for a fee waiver. The Court therefore denies Orduna's IFP application and gives him until February 26, 2021, to pay the \$5 filing fee.

It is therefore ordered that Petitioner Eric Orduna's applications to Proceed *In  
Forma Pauperis* (ECF No. 4, 7) are DENIED.

It is further ordered that Orduna must pay the \$5.00 filing fee by February 26, 2021.

The Clerk of Court is instructed to send Orduna two copies of this order. Orduna

1 must make the necessary arrangements to have a copy of this order attached to the check  
2 for the filing fee.

3 It is further ordered that this case will be dismissed without prejudice and without  
4 further advance notice if Orduna fails to comply with this order by paying the \$5.00 filing  
5 fee by February 26, 2021 deadline.

6 The initial screening of Orduna's petition under the Rules Governing Section 2254  
7 Cases in the United States District Courts and consideration of the Motion for Appointment  
8 of Counsel (ECF No. 3) are deferred to until such time as he has fully complied with this  
9 order.

10 DATED THIS 14<sup>th</sup> Day of January 2021.

11  
12   
13 MIRANDA M. DU  
14 CHIEF UNITED STATES DISTRICT JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28